

FILED  
AUG 20 2021  
JENNIE KADNER  
CIRCUIT CLERK

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

BY: J. L. Davis  
PLAINTIFF

TONI DAVIS

VERSUS

CAUSE NO.: 2401-21-935

WAL-MART STORES, INC., ET AL.

DEFENDANT

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW Plaintiff, TONI DAVIS, by and through her attorney, JIM DAVIS, and files this, her COMPLAINT against WAL-MART STORES, INC., ET AL., and states her claim for relief as the follows, to-wit:

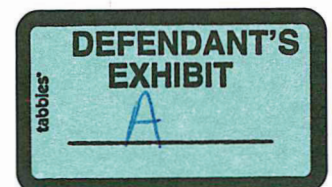
PARTIES

1. TONI DAVIS is an adult resident citizen of Harrison County, Mississippi, and names as her Defendant, WAL-MART STORES, INC., ET AL., which can be served with process through its registered agent, C.T. Corporation System, 645 Lakewood East Drive, Flowood, MS 39232 and service on the Manager of Wal-Mart Supercenter Store #969 located at 9350 U.S. Highway 49, Gulfport, Mississippi 393503.

FACTS

2. On or about August 29, 2020, Plaintiff TONI DAVIS, was an invitee of the Defendant WAL-MART to come onto its property at its express or implied invitation to do business with a mutual advantage to both parties. When Plaintiff states "WAL-MART," she means Defendant WAL-MART as it is described herein, as well as its agents, employees or servants, who make the Defendant WAL-MART liable through the doctrine of *respondeat superior*, and when the Plaintiff states "WAL-MART" herein, she means individually and collectively.

3. That on or about August 29, 2020, the Plaintiff, TONI DAVIS, went to the



WAL-MART SUPERCENTER STORE #969 located at 9350 U.S. Highway 49, Gulfport, Mississippi 39530, for the purpose of choosing and purchasing merchandise.

4. On or about August 29, 2020, Plaintiff, TONI DAVIS, was walking near aisle 16 and 17s when she slipped in a puddle of water causing injury to her right hip and left knee. Ms. Davis never saw the water before she fell. There were no warning signs/cones posted by the store to warn people of the wet floor.

5. That said accident was due to the Defendant's negligence, more specifically described as follows, to-wit:

- a. Defendant and/or its employees failed to properly warn Plaintiff of the puddle of water on the floor.
- b. Defendant and/or its employees failed to properly monitor the area surrounding Aisle 16 and 17.
- c. The puddle of water on the floor constituted a dangerous condition on the Defendant's premises, and the Defendant and/or its employees knew, or by the exercise of reasonable care should have known, of the existence of the dangerous condition, and the Defendant and/or its employees failed to take reasonable measures to protect against said dangerous condition and the Defendant's failure to take such measures was a contributing cause of the Plaintiff's accident and injury(s).

#### DAMAGES

6. That as a direct and proximate result of the negligence of the Defendant and/or its employees, the Plaintiff suffered the following damages, to-wit:

- a) Medical bills in excess of \$15,000.00; and

b) Pain and suffering to be determined and within the jurisdiction of the Court.

7. The Plaintiff requests a judgment of and from the Defendant in an amount to be determined and within the jurisdiction of the Court, for medical bills, pain and suffering, mental anguish, disability, and loss of the capacity for the enjoyment of life that she has been subject to as a result of the accident, and in the event there are complications and future medical bills, the Plaintiff requests a judgment for that amount as well.

WHEREFORE, your Plaintiff, TONI DAVIS, requests this her COMPLAINT be filed and, upon hearing, she receive damages from the Defendants in an amount determined by the Court, including but not limited to, her past, present and future medical bills, pain and suffering, any permanent disability caused to her person, and all other relief necessary and proper in the premises. Your Plaintiff further requests that she be granted punitive damages for the gross negligence of the Defendant in not having a warning sign/cone posted and improper maintenance of the floor upon which the Plaintiff slipped and fell, and for all other relief necessary and proper in the premises.

RESPECTFULLY SUBMITTED, this the 19 day of August, 2021.

TONI DAVIS, Plaintiff

By:



JIM DAVIS  
Attorney for Plaintiff

JIM DAVIS  
MSB# 5830  
1904 24<sup>th</sup> Avenue  
Post Office Box 1839  
Gulfport, MS 39502  
Phone: 228-864-1588  
Fax: 228-863-5008



IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

TONI DAVIS

PLAINTIFF

VERSUS

CAUSE NO.:

12401-21-935

WAL-MART STORES, INC., ET AL.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: MANAGER

Wal-Mart Supercenter Store, #969  
9350 U.S. Highway 49  
Gulfport, MS 39503

NOTICE TO DEFENDANT


THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to JIM DAVIS, the attorney for the Plaintiff, whose post office address is POST OFFICE BOX 1839, GULFPORT, MS 39502, and whose street address is 1904 24<sup>th</sup> AVENUE, GULFPORT, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint. 8-31-21

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 20<sup>th</sup> day of August, 2021.

Yokusha Hapner, DC  
Clerk of Harrison County, Mississippi



JIM DAVIS  
1904 24<sup>th</sup> AVENUE  
POST OFFICE BOX 1839  
GULFPORT, MS 39502  
228-864-1588  
MSB. NO. 5830

CONNIE LADNER, CIRCUIT CLERK  
HARRISON COUNTY  
PO BOX 998  
GULFPORT, MS 39502

RECEIVED  
Harrison County Sheriff  
Troy Polerson, Sheriff  
20800  
AUG 31 2021

By Bob Evans 705 DS

1-2021-64251

Nathan Marble Return  
STAFF Coach 831-21 (115)

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

TONI DAVIS

PLAINTIFF

VERSUS

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*Connie Ladner*  
Clerk of Harrison County, Mississippi

CONNIE LADNER, CIRCUIT CLERK  
HARRISON COUNTY  
PO BOX 998  
GULFPORT, MS 39502

JIM DAVIS  
1904 24<sup>TH</sup> AVENUE  
POST OFFICE BOX 1839  
GULFPORT, MS 39502  
228-864-1588  
MSB. NO. 5830

RECEIVED  
Harrison County Sheriff  
Troy Peterson, Sheriff

AUG 31 2021

Case: 24CO1:21-cv-00935 Document #: 5 Filed: 09/07/2021

1-2021-64251

By *[Signature]* 703 JAS DS



## PROOF OF SERVICE - SUMMONS

(Process Server)

CLIENT: TONI DAVIS

(Use separate proof of service for each person served)

MANAGER, WAL-MART SUPERCENTER STORE, #969

Name of Person or Entity Served

I, the undersigned process server, served the Summons upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

       FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (**Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B**).

  X   PERSONAL SERVICE. I personally delivered copies to WAL-MART on the 31 day of Aug, 2021, where I found said person in HARRISON County, Mississippi.

       RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within Harrison County, Mississippi. I served the Summons and complaint on the        day of       , 2021, at the usual place of abode of said person by leaving a true copy of the Summons and complaint with        who is the        (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the Summons and complaint, and thereafter on the        day of       , 2021, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

       CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (**Attach signed return receipt or other evidence of actual delivery to the person served.**)

       UNABLE TO SERVE.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$       

Process server must list below: (Please print or type)

Name

Address

Telephone No.

LEROY LADWELL 387  
PO Box 1450  
GRY. MS  
228.966.7095

STATE OF MISSISSIPPI  
 COUNTY OF HARRISON

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named LEROY LADWELL who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Leroy Ladwell 387  
 Process Server (Signature)

Sworn to and subscribed before me this 1 day of Sept, 2021.



BOB DAVIS 705  
 NOTARY PUBLIC



**Service of Process  
Transmittal**

09/13/2021

CT Log Number 540225844

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Mississippi**

**FOR:** Wal-Mart Stores, Inc. (Former Name) (Domestic State: DE)  
WALMART INC. (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: Davis Toni // To: WALMART INC.

**DOCUMENT(S) SERVED:** Notice(s), Complaint, First Set(s) of Interrogatories, First Set(s) of Request(s)

**COURT/AGENCY:** Harrison County Circuit Court, First Judicial District, MS  
Case # D240121935

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 08/29/2020, Wal-Mart Supercenter Store #969  
located at 9350 U.S. highway 49, Gulfport, MS, 393503

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Flowood, MS

**DATE AND HOUR OF SERVICE:** By Process Server on 09/13/2021 at 11:34

**JURISDICTION SERVED :** Mississippi

**APPEARANCE OR ANSWER DUE:** Within 30 days from the date of delivery (Document(s) may contain additional  
answer dates)

**ATTORNEY(S) / SENDER(S):** Jim Davis  
1904 24th Avenue  
Post Office Box 1839  
Gulfport, MS 39501  
228-864-1588

**ACTION ITEMS:** CT has retained the current log, Retain Date: 09/13/2021, Expected Purge Date:  
09/18/2021

Image SOP

**REGISTERED AGENT ADDRESS:** C T Corporation System  
645 Lakeland East Drive  
Suite 101  
Flowood, MS 39232  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.